

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 8/23/10

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 28th day of June 2010 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Donald Bollin-President	Jay Lambert
	JoAnne Arruda-Vice President	Cecil E. Leonard
	Hannibal Costa - Absent	Edward Roderick
	Louise Durfee - Absent	

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Councilor Leonard made a motion to approve the items on the Consent Agenda. Seconded by Councilor Roderick motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings -Minutes for June 14th and June 21- To be Available Next Council Meeting

A-2-Receipt of Minutes from Various Board and Commissions:

- | | |
|-------------------------|-------------------------------------|
| a. Prevention Coalition | c. Wastewater Management Commission |
| b. Cemetery Commission | d. Economic Development Commission |

A-3-Correspondence-Received and Filed

A-4-Town Council Approval of Resolution in Opposition to Hess Weaver's Cove LNG Offshore Proposal

A-5-Tax Assessor Distribution of 2010 Certified Tax Rolls

PUBLIC HEARINGS- ADVERTISED:

St. Theresa's Church – Public Hearing for Noise Variance Annual Feast with Live Band Performing on July 30 and July 31, 2010 from 6 to 9 p.m.

Councilor Bollin opened public hearing for Noise Variance requested by St. Theresa's Church for live band performing on July 30 & 31. Peter Moniz represented St. Theresa's Church. No public commented.

Councilor Bollin closed the public hearing. No comments from Council.

Councilor Roderick motioned to approve variance request, seconded by Councilor Arruda. Motion passed unanimously.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:
Advertised Public Hearing

Susan Faria – Susan’s Restaurant, Inc. – Public Hearing for BVL Liquor License Subject to Meeting All Legal Requirements

Councilor Bollin opened the public hearing for BVL Liquor License providing beer and wine for Susan’s Restaurant, Inc, 13 Crandall Road. There were no public comments.

Councilor Bollin closed public hearing. Councilor Leonard requested hours they would be serving liquor. Response was until 9 o’clock with dinner.

Councilor Roderick motioned, seconded by Councilor Arruda to approve BVL Liquor License to Susan’s Restaurant, Inc. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

1. Resignation from Steven J. Gilbert – Economic Development Commission

Councilor Leonard motioned, seconded by Councilor Arruda to accept Stephen J. Gilbert’s resignation from the Economic Development Committee with regret. Motion passed unanimously.

2.Re-Appointments to Boards and Commissions With No New Candidates

a. Open Space Commission-Richard Bixby – (3) year term expiring 6/30/2013

Councilor Roderick motioned, seconded by Councilor Arruda to appoint Richard Bixby to Open Space Commission. Motion passed unanimously.

b. Arts Council-Brenda Wrigley Scott – (1) year term expiring 6/30/2011

Councilor Leonard motioned, seconded by Councilor Roderick to appoint Brenda Wrigley Scott to Arts Council. Motion passed unanimously

c. Harbor Commission- David Stewart- (2) year term expiring 6/30/2012

Councilor Roderick motioned, seconded by Councilor Arruda to appoint David Stewart to Harbor Commission. Motion passed unanimously

3.Interviews for New Candidates Seeking Appointment for Available Vacancies

a. Conservation Commission – Abel Perez – Not in attendance, will appear next Council Meeting

b. Municipal Buildings Feasibility Advisory Commission – Diane Harris

Councilor Lambert motioned, seconded by Councilor Arruda motioned to appoint Diane Harris. Motion passed unanimously.

c. Planning Board – Elizabeth Kinnane – was interviewed.

d. Tiverton Housing Authority – Louise Muzaca and Jeannie Mae Durfee – appointment needs to be reviewed by Solicitor. Requires a housing resident. No action taken.

UNFINISHED BUSINESS

1. Town Council – Proposals for Ballot Questions Regarding Financial Town Meeting

a. Councilor Leonard Proposal

Councilor Leonard restated position from last week to move the proposed change to Section 307(a) Vote by Ballot to public hearing for placement on November election ballot. Councilor Lambert stated will only take effect if FTM is maintained and has no effect on other proposals presented.

Councilor Leonard motioned to move proposal to public hearing, seconded by Councilor Lambert. Motion passed unanimously.

b. Jeffrey Caron Proposals

Mr. Caron had presented Council with Revision (1) indicating some process problems and minor changes to Rev (o) including changing “weighted average” and second vote. Mr. Caron stated still time to adjust and is willing to help facilitate an acceptable proposal. Feels his revision maintains the balance of power in government.

Councilor Leonard agrees the approach should be to keep change to a minimum for clarity. Councilor Lambert stated people like the idea of check and balances. Problem with eliminating Budget Committee would require people to go directly to Mr. Goncalo. Impossible for Town Administrator to do job of Budget Committee. Town Administrator agreed, consumes too much time and feels people want the Budget Committee.

Councilor Bollin reiterated that Council, other than the 20% vote is not proposing these changes. Electors voted in past and resoundingly defeated elimination of FTM and putting Council in charge of budget. Need to listen to the people.

Councilor Roderick motioned, seconded by Council Leonard to move Rev (1) to public hearing. Motion passed unanimously.

c. Brian Medeiros, Deb Pallasch, Laura Epke Proposal

Mr. Medeiros also handed out two pages of changes to his prior proposal attempting to clarify process of petitions by public and explanation to voters. Discussion pursued as to role of Council over School Department budget, concerns with residents being able to voice concerns over budgets and one levy presented for both school and municipal.

Ms. Pallasch stated Council is the body to be alternately held accountable. Councilor Arruda concerned with expanded role proposal puts on Council, need representative from school committee for them to participate. Councilor Lambert stated Council is not qualified to oversee proposed school budget, that’s the role of B/C.

Mr. Medeiros stated it would attempt to get Council and School Department working together. Councilor Bollin state people were upset at FTM. Some parts of the proposal have radical changes and may have trouble getting by voters. Not sure able to put all this additional work on Council plate or Town Administrator.

Deb Pallasch acknowledged concern with time and ability of Council and T/A. Hears issues and will revisit proposal.

Suggestion was made to have Mr. Caron and Mr. Medeiros work together, however, proposals fundamentally different.

Councilor Roderick motioned, seconded by Councilor Arruda to move Mr. Medeiros’s proposal with changes presented forward to public hearing. Motion passed unanimously.

d. James Amarantes Proposal

Mr. Amarantes withdrew his proposal in support of Mr. Caron’s.

Councilor Roderick motioned, seconded by Councilor Leonard to hold a special meeting for public hearing on proposed charter amendments with respect to changes to and/or replacement of FTM to be placed on November ballot on Wednesday, July 21. Motion passed unanimously.

FINANCIAL BUSINESS:

Town Clerk – Request Release of Carry Forward

a. #098-103-623 (Board of Canvass supply) for \$1,700 and placed into Current F/Y#103-329 (BOC Elections)

Councilor Roderick motioned, seconded by Councilor Arruda to approve the release of carry forward funds of \$1,700.00. Motion passed unanimously.

b. #098-197-550 (Recording) for \$1,600 and placed into Current F/Y #101-553 (Re-codify Town Code)

Councilor Arruda motioned, seconded by Councilor Roderick to approve the transfer of \$1,600 from account#098-197-55- (Probate Recording) to Acct#101-553 (Re-codifying Town Code. Motion passed unanimously.

Town Administrator – Requests Approval for Carry Forwards – List Attached

Councilor Roderick motioned, seconded by Councilor Leonard to approve the Town Administrator's requested carry forwards for 09-10 F/Y. Motion carried unanimously.

Town Council

Account #102-890	\$15,955	Contingency
Account #102-799	\$40,764	Future Needs
Account # 102-554	\$10,185	Advertising Ordinances

Non-Recurring

Account #098-953	\$22,080	Mower Brush cutter
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Legal Services

Account #105-359	\$36,073	Litigation/Arbitration
Account #105-391	\$ 9,072	Arbitration

Planning Board

Account #107-554	\$15,000	FY 11 Reduction
Account #107-398	\$ 7,500	FY 11 Reduction

Town Clerk

Account #103-329	\$ 3,370	Polling Change Locations
Account #101-553	\$ 3,900	Recodification

Town Administrator – Requests Approval of Year-end Transfers to Cover Labor Accruals– List Attached

Councilors questioned backup not being provided. Unable to determine without knowing accounts.

Town Administrator explained trying to even out overage and shortages prior to audit. Didn't have correct monthly reports. Councilor Bollin stated was done in past by auditors taking care of with year-end adjustments. Treasurer stated software error detail not balanced in May. Not accumulating correctly. Working on issue.

Councilor Roderick concerned doing blindly. Councilor Bollin suggested Town Administrator do what he could within the \$2,500 transfer limit he is authorized.

Councilor Roderick motioned to deny request for transfers due to lack of information, seconded by Councilor Arruda. Motion to deny passed 4-0-1. Councilor Lambert abstained.

Councilor Leonard motioned to allow Town Administrator a one-time authority to transfer up to \$5,000 for labor accounts, seconded by Councilor Lambert. Motion failed 2-2-1. Councilor Bollin abstained, Councilors Arruda and Roderick opposed.

Town Clerk – Requests Transfer of \$2,000 from Acct#110-890 (Town Meeting) to Acct#102-890 (Council Miscellaneous)

Councilor Roderick motioned, seconded by Councilor Arruda to approve transfer of unused funds back to Council Contingency. Motion passed unanimously.

NEW BUSINESS:

Councilor Durfee – Extension of Moratorium on Bay Street Area to December 31, 2010

Town Solicitor informed no letters received from DEM releasing properties on block by block clean up for recording to date. Only letter received was for property not in the moratorium area. Recommends continuing policy.

Councilor Roderick motioned, seconded by Councilor Arruda to approve the continuance of the extension of Moratorium on Bay Street Area to December 31, 2010.

Wastewater Management – Authorization for Town Administrator to Prepare the Documents and Seek Financing of Septic System Repairs Through Community Septic System loan Program

Wastewater Management Chair Leroy Kendricks and John Lincourt, Superintendent informed Council request is for the annual program. There have been no defaults in programs to date.

Councilor Roderick motioned, seconded by Councilor Arruda to authorize the Town Administrator to prepare the documents and enter into a loan agreement for financing of septic system repairs through the CSSLOP Program. Motion passed unanimously.

BIDS & REQUESTS FOR PROPOSALS

DPW Director S. Berlucchi – Request Award of Bid for New/Used Grass Mower/Brush Cutter to M.C. Clements Tree & Landscaping for \$32,000

Town Administrator recommended M.C.Clements Tree & Landscaping as low bidder. DPW sent mechanic and foreman out to look and inspect machine, which is in excellent condition. No major flaws.

Councilor Roderick questioned how equipment would be hauled to Tiverton. Director Berlucchi informed they would haul from Falmouth at Town expense. Will pick up from owner on our flatbed with Town men. Original cost \$33,000, negotiated to \$32,000 and cost of moving by Town.

Councilor Roderick motioned to approve purchase, seconded by Councilor Leonard. Motion passed unanimous.

Town Clerk – Request Authority to Advertise for Postage Meter Equipment and Services

Town Clerk requested authorization to go out to Bid for postage service and equipment. Current contract has expired. Looking for competitive bids.

Councilor Arruda motioned, seconded by Councilor Roderick to authorize going to bid for postage service and equipment. Motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Received note from Interlocal Trust of Dividend for \$14,868, \$6,712 workman's comp and \$8,156 property and liability. Will be applied to premium of coming year.
2. Request from energy office relative to wind turbine at 600 Cornell Road. Solicitor advised wind turbines in residential areas should be referred to Planning Board and Town Planner. Peter Moniz, Planning Board member informed Planning Board held public hearing. No negative response, also approved in P/B records.
3. Police Department has received a grant for \$4,000 from the Department of Mental Health

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS;

No comments from Council at this time

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS;

No comments from Solicitor at this time

CLOSED EXECUTIVE SESSION

1.Town Solicitor - Litigation – 42-46-5(a) (2)

2.Town Administrator – 42-46-5(a)(6)-Prospective Business or Industry

3.Town Administrator–42-46-5(a)(2)–Collective Bargaining - IBPO, IAFF & Teamsters

Councilor Arruda made a motion, seconded by Councilor Roderick to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Motion passed unanimously

Councilor Arruda made a motion, seconded by Councilor Roderick to remain in Executive Session pursuant to 42-46-5(a)(6)-Prospective Business or Industry. Motion passed unanimously

Councilor Arruda made a motion, seconded by Councilor Roderick to further remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining-IBPO, IAFF & Teamsters. Motion passed unanimously

Council entered Executive Session at approximately 9:30 pm.

Council returned to Open Session at approximately 10:20 p.m.

OPEN SESSION:

In Open Session, President Bollin announced formal action had been taken in Executive Session.

Councilor Roderick made a motion, seconded by Councilor Arruda to seal the minutes of Executive Session. Motion passed unanimously.

ADJOURNMENT:

Councilor Lambert motioned to adjourn, seconded by Councilor Leonard. Motion passed unanimously.

Council adjourned at approximately 10:25 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk